

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

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Date of Incident:	August 5, 2017
Time of Incident:	8:52 pm
Location of Incident:	XXXX N. Lawndale Avenue, Chicago, IL 60647
Date of COPA Notification:	October 24, 2017
Time of COPA Notification:	1:20 pm

The complainant, Subject 1 was arrested by Chicago Police Officers A, B, and C (collectively “the Officers”) on August 5, 2017, for drinking alcohol on a public way. Subject 1 alleges that he was not drinking and was arrested unlawfully.

**II. INVOLVED PARTIES**

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Involved Sergeant #1:	Sergeant A Star #XXXX / Employee ID #XXXXXX Appointed XXX, 2005 Unit XXX Born XXX, 1973 Male / Hispanic
Involved Officer #1:	Police Officer A Star #XXXXXX / Employee ID #XXXXXXX Appointed XXX, 2013 Unit XXX Born XXX, 1985 Male / Hispanic
Involved Officer #2:	Police Officer B Star #XXXXXX / Employee ID #XXXXXXX Appointed XXX, 2013 Unit XXX Born XXX, 1977 Male / White
Involved Officer #3:	Police Officer C Star #XXXX / Employee ID #XXXXXXX Appointed XXX, 2006 Unit XXX Born XXX, 1973 Male / Hispanic

Subject #1:	Subject 1 Born XXX, 1969 Male / Black
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### III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant A	1. Ordered the arrest of Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer A	1. Arrested Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer B	1. Arrested Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer C	1. Arrested Subject 1 for drinking on the public way without probable cause, in violation of Rule 1.	Unfounded

### IV. APPLICABLE RULES AND LAWS

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#### Rules

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1. Rule 1: Prohibits the violation of any law or ordinance.

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#### United States Constitutional Provisions

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1. United States Constitution, Amendment IV

### V. INVESTIGATION<sup>1</sup>

#### a. Interviews<sup>2</sup>

In a **statement to COPA**,<sup>3</sup> on October 24, 2017, **Subject 1**, stated that he and three acquaintances were walking on the sidewalk when they were stopped by several officers in plainclothes and arrested for drinking on the public way. Subject 1 was insistent that he was not in possession of or consuming alcohol.

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Civilian 1, Civilian 2, and Civilian 3 did not respond to any of COPA's requests for statements.

<sup>3</sup> Att. 4.

In a **statement to COPA**<sup>4</sup> on April 25, 2018, **Accused Sergeant A**, stated that he was patrolling the area when he observed Subject 1 and three other males consuming Stella Artois beer on the public way. Based on his observations, Sergeant A stopped his vehicle and ordered Officers A, B, and C to go to the location and arrest Subject 1. Sergeant A recalled observing numerous bottles of beer on the sidewalk, grass, curb, and on top of a vehicle in the immediate area around Subject 1. Sergeant A confirmed that drinking on the public way is an offense where arrest is permitted.<sup>5</sup>

In a **statement to COPA**,<sup>6</sup> on January 22, 2018, **Accused Officer A**, stated his partners, Officers B and C, and he met with Sergeant A near the intersection of Central Park Ave. and North Ave. At the intersection, Sergeant A informed them he observed Subject 1 and three other males drinking on the public way. Sergeant A ordered the Officers to follow him to N. Lawndale Ave. and arrest Subject 1 and the other males. Upon arrival, Officer A observed several empty, partially empty, and full bottles of Stella Artois beer in the immediate area. Some of the bottles were located on the hood of a parked vehicle, the grass, sidewalk, and curb. The Officers arrested Subject 1 and the other males. The Officers requested assistance in transporting the arrestees to the XXX District for processing. Officer A did not observe any indications that Subject 1 was impaired, however he described Subject 1 as belligerent.

In a **statement to COPA**,<sup>7</sup> on January 26, 2018, **Accused Officer B**, stated essentially the same information as Officer A.

In a **statement to COPA**,<sup>8</sup> on March 6, 2018, **Accused Officer C**, stated essentially the same information as Officers A and B.

In a **statement to COPA**,<sup>9</sup> on November 21, 2017, **Witness Officer D**, stated that his partner, Officer E, and he responded to assist the accused officers with transporting Subject 1. Upon arrival, Officer D observed Subject 1 in handcuffs but did not observe any evidence that Subject 1 was drinking on the public way. Subject 1 was placed in Officer D's vehicle and transported to XXX District. During his interactions with Subject 1, Officer D did not detect any signs of impairment.

In a **statement to COPA**,<sup>10</sup> on November 21, 2017, **Witness Officer E**, stated essentially the same information as Officer D.

## b. Documentary Evidence<sup>11</sup>

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<sup>4</sup> Att. 73.

<sup>5</sup> Chicago Municipal Code §8-40-030 codifies Drinking on the Public Way.

<sup>6</sup> Att. 49.

<sup>7</sup> Att. 53.

<sup>8</sup> Att. 68.

<sup>9</sup> Att. 29.

<sup>10</sup> Att. 30.

<sup>11</sup> COPA received In-Car Camera Footage from Beat XXX, the Beat of Officer D and Officer E, however footage showed that Subject 1 and others were already under arrest upon the arrival of the vehicle. Att. 37. The XXX District did not have body-worn cameras at the time of this incident.

**Subject 1's Arrest Report**<sup>12</sup> details that Subject 1 was arrested, after being observed drinking Stella Artois beer on the public way near XXXX N. Lawndale Avenue.

## VI. ANALYSIS

COPA recommends a finding of **Unfounded** for the all allegations. A peace officer may arrest a person when he has reasonable grounds to believe that the person has committed an offense.<sup>13</sup>

Here, Sergeant A observed Subject 1 consuming Stella Artois beer on the public way and issued an order to the Officers arrest Subject 1. The Officers arrested Subject 1 based on that order.<sup>14</sup> Further, Sergeant A and the Officers observed several empty, partially empty, and sealed containers of alcohol in the immediate area of Subject 1. Based on this information Sergeant A's belief the Subject 1 had committed an offense – specifically drinking on the public way – was reasonable; therefore, Sergeant A's order and the ultimate arrest of Subject 1 was reasonable and lawful.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Sergeant A	1. Ordered the arrest of Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer A	1. Arrested Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer B	1. Arrested Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer C	1. Arrested Subject 1 for drinking on the public way without probable cause, in violation of Rule 1.	Unfounded

Approved:

<sup>12</sup> Att. 15.

<sup>13</sup> 725 ILCS 5/107-2(1)(c)

<sup>14</sup> CPD Rules and Regulations require that Department members obey lawful orders or directives of a superior officer.

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Acting Deputy Chief Administrator – Chief  
Investigator A

Date

*Acting Deputy Chief Administrator – Chief  
Investigator*

**Appendix A**

## Assigned Investigative Staff

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<b>Squad#:</b>	XX
<b>Investigator:</b>	Investigator A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Acting Deputy Chief Administrator:</b>	Acting Deputy Chief Administrator-Chief Investigator A